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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,646	02/16/2000	Scott C. Harris	10824/011001	7376

23844 7590 02/03/2004

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/03/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/505,646

Applicant(s)  
Harris

Examiner  
Cao (Kevin) Nguyen

Art Unit  
2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 21, 2004
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final Ind
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 85-90, 93-107, 116-119, and 121-124 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85-90, 93-107, 116-119, and 121-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Withdrawal of Finality*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 85-90, 93-107, 116-119 and 121-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck et al. (US Patent No. 5,933,498) in view of Rhoads et al. (US Patent No. 6,442,285).

Regarding claim 85, Rhoads discloses a method, comprising in a server of a network, storing a plurality of images representing pages of a book said images stored with a resolution effective to enable said book to be read; responsive to a request over the network sending one of said images to a remote node (see col. 23, lines 8-64); however, Rhoads fails to explicitly teach determining if the request for pages exceeds a certain threshold, and sending said information

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only if said threshold is not exceeded. Schneck teaches determining if the request for pages exceeds a certain threshold, and sending said information only if said threshold is not exceeded (see abstract and col. 2, lines 46-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide determining if the request for pages exceeds a certain threshold, and sending said information only if said threshold is not exceeded as taught by Schneck to the watermark detector of Rhoads in order to enhance a user friendly and enable users to access into on-line books publishing sample and exemplary.

Regarding claim 86, Rhoads discloses wherein said images are classified according to whether they count towards said threshold, and incrementing a counter when an image that counts towards said threshold is requested (see col. 7, lines 1-43).

Regarding claim 87, Rhoads discloses wherein said determining comprises storing information indicative of an amount of reading into a computer file (see col. 8, lines 4-49).

As claims 88-90 are analyzed as previously discussed with respect to claims 83-87 above.

Claim 93 differs from claim 85 in that "receiving, at a client of a network, information about which of a specified plurality of images to be displayed, each of specified plurality of images showing textual information and at least a plurality of said images showing non-textual information, said textual information representative of contents of an entertainment media; displaying said images responsive to said requests; and wherein one of said images includes liner notes." which read on Rhoads (see col. 13-14, lines 1-67).

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Claims 94-95 differs from claim 85 in that "discloses method as at a client of a network, information about which of a specified plurality of images to be displayed, each of specified plurality of images showing textual information and at least a plurality of said images showing non-textual information, said textual information representative of contents of an entertainment media displaying said images responsive to said requests; and wherein said specified images include a front, a back cover, a spine, and liner notes," which read on Rhoads (see col.24-25, lines 1-67).

As claims 96-107, 116-119 and 121-124 are analyzed as previously discussed with respect to claims 85-93 and 94-95 above.

4. Applicant's arguments filed on January 24 2004 have been fully considered but they are not persuasive.

Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the art of record as discussed above.

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**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Response**

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-6306 may be used for formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

**Inquires**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
C. Nguyen

January 28, 2004

